

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

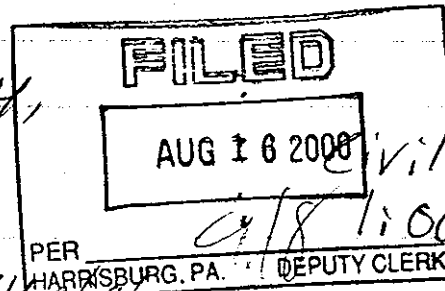
(30)

8-17-00

SC

CHARLES ISELEY,  
Plaintiff,  
v.

W. CONWAY BUSHEY, et al.,  
Defendants.



Civil Action No.  
01-8-1100-CV-00577

J. Kane  
P/250 Vanwice

MOTION TO COMPEL DISCOVERY

Comes the plaintiff, Charles Iseley, and respectfully  
moves the court for an order compelling the defendants to respond  
to his discovery requests for the reasons set forth in the accompanying  
brief in support of this motion.

Date: August 13, 2000

Respectfully submitted,

Charles Iseley  
Charles Iseley  
AM-9320, 1 Kelley Dr.,  
Coal Township, PA 17866

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,  
Plaintiff,  
v.

W CONWAY BUSHEY, et al.,  
Defendants.

Civil Action No.  
1:00-CV-00577

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the  
foregoing <sup>Declaration</sup> Motion to Compel Discovery and brief in support of same  
by mailing a copy of same to:

Maryanne Lewis, dep. atty. gen.  
Office of Atty Gen  
15th Floor, Strawberry Sq.  
Harrisburg, PA 17120

Date: August 13, 2000

Charles Iseley  
Charles Iseley

IN THE UNITED STATES DISTRICT COURT  
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CHARLES ISELEY,

Plaintiff

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No. 1:00-CV-00577  
(Judge Kane)

DEFENDANTS' RESPONSE TO REQUEST  
FOR PRODUCTION OF DOCUMENTS

Defendants hereby respond to plaintiff's request for production of documents. Plaintiff may inspect and photocopy the documents upon written request to the Assistant to the Superintendent at SCI-Coal Township. Plaintiff may photocopy the produced documents at his own expense at the institution rate.

1. The job description of all of the defendants and each of them.

**RESPONSE: OBJECTION.** Defendants object to this request as privileged and containing information that if released could cause a threat to the security of the institution. Job descriptions contain information unique to each individual's position including the hours that employees work, their shift and schedule rotation, and duties that pertain to specific security measures of numerous work assignment. Without waiving this objection, plaintiff may inspect copies of the specifications for the job classifications of the defendants, which include their basic duties and responsibilities.

**2. Any and all policies, directives, memorandums, rules, manuals or instructions concerning the procedures for a prisoner to obtain access/copies of his prison/medical/parole/dental records.**

**RESPONSE:** Department of Corrections Administrative Directive (hereinafter referred to as "DOC-ADM") 003 governs the procedures for a prisoner to obtain access/copies of his prison, medical and dental records. DOC-ADM 003 is found in the Inmate Handbook which is issued to all inmates. In addition, page 18 of the handbook, under the heading "Request Slips," states the procedure for requests of this nature. Title 37 of the Pennsylvania Code, § 61.2, governs the access/copies of parole records. Because these records are considered confidential, no formal policy can be located concerning the procedure for an inmate to obtain access/copies of his parole file. Plaintiff may inspect copies of the DOC Administrative Directives and §61.2 of the Pa Code.

**3. The plaintiff's complete prison file to the date of your response.**

**RESPONSE: OBJECTION.** Defendants object to this request as privileged and containing information that if released could cause a threat to the security of the institution, as well as compromise the staff's ability to carry out the rehabilitation of the plaintiff. Included in plaintiff's file are reports of a confidential nature, such as pre-sentence reports, classification and diagnostic information and psychological information. Documents that reflect inmate behavior encourage staff to write freely their opinion concerning the inmate. If released, this would deter staff from writing their opinions in a candid manner. In addition, defendants, object to this request as overbroad and containing information that is irrelevant to the allegations contained in the complaint and unlikely to lead to admissible evidence. Without waiving this objection, plaintiff may inspect copies of the portion of his inmate file that are authorized pursuant to guidelines established under DC-ADM 003.

**4. The plaintiff's complete medical records to the date of your response.**

**RESPONSE: OBJECTION.** Defendants object to this request as privileged and containing information that if released could cause a threat to the security of the institution, as well as compromise the staff's ability to carry out the rehabilitation of the plaintiff. In particular, these records contain mental health and psychological information. Without waiving this objection, plaintiff may inspect portions of his medical file, pursuant to guidelines established under DC-ADM 003. Mental health records, pursuant to DC-ADM 003, D(1), may be discussed with treatment staff. These records as noted in the objection and DC-ADM 003 may not be reviewed by the plaintiff.

**5. The plaintiff's complete parole file to the date of your response.**

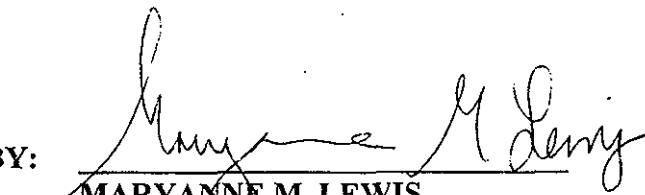
**RESPONSE: OBJECTION.** Defendants object to this request as privileged and containing information that if released could cause a threat to the security of the institution, as well as compromise the Board's ability to carry out the rehabilitation of the plaintiff. Pursuant to 37 Pa. Code §61.2, "[r]ecords, reports and other written things and information, evaluations, opinions and — voice recordings in the Board's custody or possession touching on matters concerning a probationer or parolee are private, confidential and privileged; except that a brief statement of the reasons for actions by the Board granting or refusing a parole will at all reasonable times be open to public inspection in the offices of the Board." Included in plaintiff's file are reports of a confidential nature, that are frank observations and recommendations gathered by the Department of Corrections and the Board. Documents that reflect inmate behavior encourage staff to write freely their opinion concerning the inmate. If released, this would deter staff from writing their opinions in a candid manner. Without waiving this objection, plaintiff may inspect the Notices of the Board Decision, which are the brief statements of the reasons for the action by the Board refusing his parole.

6. A copy of the civil rights complaint (above-captioned matter).

RESPONSE: Plaintiff's may inspect a copy of his civil rights complaint filed at No.3: CV-00577.

**Objections interposed  
on behalf of defendants by:**

BY:

A handwritten signature in black ink, appearing to read "Maryanne M. Lewis", is written over a horizontal line.

**MARYANNE M. LEWIS  
Deputy Attorney General  
Attorney ID# 83812**

**Susan J. Forney  
Chief Deputy Attorney General  
Chief, Litigation Section**

**Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 787-  
FAX: (717) 77204526  
DATE: July 31, 2000**

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CHARLES ISELEY,

Plaintiff

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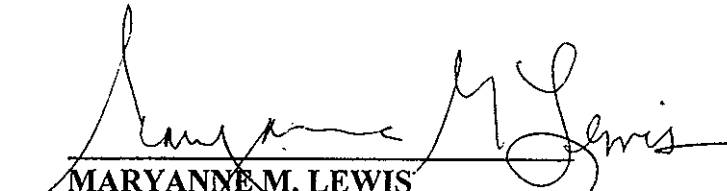
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No. 1:00-CV-00577  
(Judge Kane)

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date  
I caused to be served the foregoing Defendants' Response to Request for Production of  
Documents, by depositing a copy of the same in the United States mail, postage prepaid, in  
Harrisburg, PA., addressed to the following:

Charles Iseley, #AM-9320  
SCI-Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1020

  
MARYANNE M. LEWIS  
DEPUTY ATTORNEY GENERAL

DATE: July 31, 2000